IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

TUESDAY, THE 3RD OCTOBER 2006 / 11TH ASWINA 1928

Bail Appl..No. 5840 of 2006()

CRIME NO.98/2006 OF THADIYITTAPARAMBU POLICE STATION

PETITIONERS/ACCUSED:

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1. SUMESH, AGED 22 YEARS,
   S/O. SIVAN, PALLIMOLATH HOUSE,
   EDATHALA P.O.

2. SAJI, AGED 21 YEARS,
   S/O. SIVAN, PALLIMOLATH, EDATHALA.

3. SIVADASAN, AGED 22 YEARS,
   S/O. GOPALAN, MOLATH PARAMBIL,
   EDATHALA.

4. SHYMON, AGED 20 YEARS,
   S/O. SASI, THAZHATH VEEDU,
   KIZHAKKAMBALAM P.O.

BY ADV. SRI.T.R.ASWAS
SRI.ANIL KUMAR SREEDHARAN

RESPONDENTS:

STATE OF KERALA, REPRESENTED BY
S.I. OF POLICE, THADIYITTAPARAMBU POLICE
STATION, ERNAKULAM RURAL, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA.

BY PUBLIC PROSECUTOR, SRI.P.N.SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 03/10/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

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B.A. No. 5840 of 2006

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Dated this the 3rd day of October, 2006

O R D E R

The petitioners are accused Nos.1 to 4, in Crime No.98/2006 of Thadiyittaparambu Police Station. The offence alleged against them are under Sections 341, 323, 324 and 326 I.P.C., read with Section 34 of the Indian Penal Code.

2. I heard both sides. I have also gone through the wound certificate produced by the prosecution, in respect of the de facto complainant as well as his uncle. It is submitted that the petitioners had intercepted the de facto complainant, while he was coming in his motor bike, and assaulted him, so as to retaliate for the injuries inflicted on the first petitioner, who alleges that he is in love with the sister of the de facto complainant, which is resented by the de facto complainant and others.

3. Without entering into any discussion on merit, including the defensive arguments advanced by learned counsel for the petitioner, Mr.T.R.Aswas, I direct the petitioners to

surrender before the Investigating Officer, who is investigating Crime No.98/2006 of Thadiyittaparambu Police Station, on 09/10/2006, between 9.30 a.m and 10 a.m.

4. The Investigating Officer shall interrogate the petitioners and, thereafter, produce them before the court below, according to the law.

5. The learned Magistrate shall consider the application(s) for bail, including the documents of the petitioners, as well as any other application filed by the prosecution, and pass orders, on merit, on the same day itself.

(J.M.JAMES)
Judge

ms